

BILL NO. Z-86-08-28

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

East 63 feet of Lot #3 in Sylvan Park, Section "A" an
Addition to the City of Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No.
O-23, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Gus
seconded by GiaQuinta, and duly adopted, read the second ti
by title and referred to the Committee Regulation (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wa
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.,

DATE: 8-26-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on it
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Presiding Officer
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indian
on the _____ day of _____, 19____

at the hour of _____ o'clock _____.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 1123

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-18 1986

RECEIVED FROM

David Byrger

\$

50.00

THE SUM OF

fifty

100

DOLLARS

ON ACCOUNT OF

regring - 1718 E. Paul Hwy
PLAPO.

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We David S. Lybarger
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

East 63 Feet of Lot #3 in Sylvan Park, Section "A",
an Addition To The City of Fort Wayne, Indiana, being a
Subdivision of the North 648.6 feet of the Northeast 1/4
of the Northeast 1/4 of Section 25, Township 30 North,
Range 12 East, excepting the West 300 feet of the
North 300 feet thereof.
(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1718 East Paulding Road, FT. Wayne, IN 46816

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>David S. Lybarger</u>	<u>9732 Moeller Rd, New Haven, IN 46774</u>	<u>David S. Lybarger</u>
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>David S. Lybarger</u>	<u>9732 Moeller Rd, New Haven, IN 46774</u>	<u>(219) 493-1717</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 26, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-08-28; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 15, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

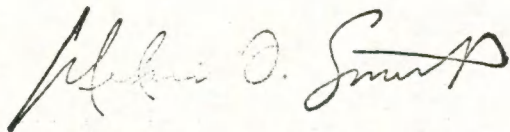
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 22, 1986.

Certified and signed this
25th day of September 1986.



Melvin O. Smith
Secretary

Division of Community Development & Planning

4-00-08-28

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

From B-1-B to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1718 East Paulding Road

Reason for Project

Owner wishes to rent property for uses that would require a B-3-B District.

Discussion (Including relationship to other Council actions)

15 September 1986 - Public Hearing

David Lybarger, petitioner and owner, stated that he had purchased the property in a rundown condition and has upgraded it for the purpose of a commercial rental. He stated that he has had several people interested in renting the property, but so far the uses have required a B-3-B district. He stated he has had such requests from people who want to use the property for an antique store, a picture framing shop, a cooking school, used car sales and a bartending school, all of which he stated require a B-3-B District.

Ben Eisbart read a letter of opposition into the record stating that it had been signed by 5 property owners in the area.

Georgian Hoevel stated that she was opposed to the higher zoning classification. She stated that she felt this requested zoning would include a multitude of uses that would be detrimental to the area.

Ben Eisbart questioned if she were

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

David Lybarger

City Department

Other

Opponents

Groups or Individuals

Georgian Hoevel

Basis of Opposition

-higher classification would be detriment to area

Staff Recommendation

☐ For

☒ Against

Reason Against

-adverse impact on area
-would create spot zone

Board or Commission Recommendation

By

☐ For

☒ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

opposed to any of the uses mentioned.

Ms. Hoevel stated she was not. She stated however that she was opposed to the higher zoning designation.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 September 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 7 members present 6 voted in favor of denial one did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 18 July 1986

Projected Completion or Occupancy

Date 25 September 1986

Fact Sheet Prepared by

Date 25 September 1986

Patricia Biancaniello

Reviewed by

Date

Gary Bello

26 September 1986

Reference or Case Number

SYNOPSIS OF ORDINANCE 1718 East Paulding Road

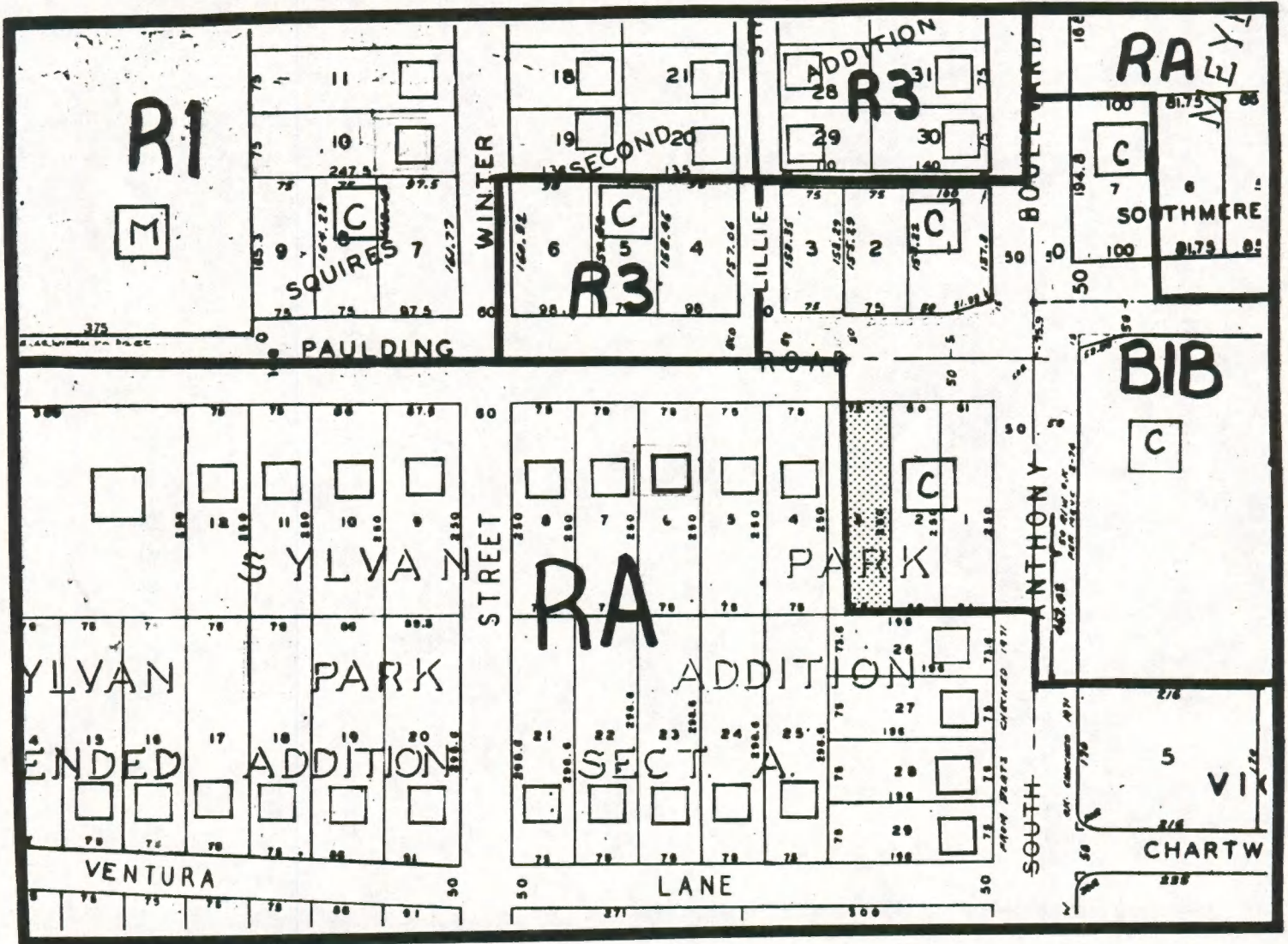
3-26-01-28

(ASSIGN TO COMMITTEE (J.N.))

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1-B TO A B-3-B DISTRICT

MAP NO. O-23

COUNCILMANIC DISTRICT NO. 6



ZONING:

- RA RESIDENCE 'A'
- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- BIB LIMITED BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY
- ☐ COMMERCIAL

SCALE: 1" = 200'

DATE: 7-31-86



9732 Moeller Road
New Haven, IN 46774
October 1, 1986

City Council
City of Fort Wayne
One Main Street
Fort Wayne, IN 46802

RE: Rezoning @1718 E. Paulding Road

Gentlemen:

It is necessary at this time to withdraw the petition
for rezoning the property at 1718 East Paulding Road
from B-1-B to B-3-B.

Thank you very much.

Sincerely,

David S. Lybarger
David S. Lybarger
Property Owner

DSL:ip

BILL NO. Z-86-08-28

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. 0-23

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

WITHDRAWN

NO

BEN A. EISBART
CHAIRMAN

Janet G. Bradbury
OSL

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

Thomas C. Henry

THOMAS C. HENRY

Charles B. Redd

CHARLES B. REDD

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK